

## Message Text

UNCLASSIFIED

PAGE 01 MEXICO 01633 102224Z  
ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 JUSE-00 /015 W  
-----102229Z 130708 /63

P 102110Z FEB 77  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC PRIORITY 244

UNCLAS MEXICO 1633

E.O. 11652: N/A  
TAGS: CGEN, EFIN  
SUBJ: JUDICIAL ASSISTANCE: US V. JACK RODEIN

REF: STATE 026930

1. EMBASSY KNOWS OF NO WAY IN WHICH RODEIN'S MEXICAN BANK ACCOUNTS CAN BE FROZEN OR BANK'S RECORDS CAN BE OBTAINED RAPIDLY. SHOULD LETTERS ROGATORY BE FORWARDED BY US COURT THROUGH DEPARTMENT OF STATE TO EMBASSY, THEY WOULD THEN BE PRESENTED TO SECRETARIAT OF FOREIGN RELATIONS UNDER COVER OF A DIPLOMATIC NOTE. FOREIGN RELATIONS WOULD CONTROL PROCESS FROM THEN ON, PRESUMABLY REFERRING TO MEXICAN COURT. THIS PROCESS WOULD BE TIME-CONSUMING AND FAVORABLE OUTCOME IN OUR VIEW DOUBTFUL. EXPERIENCE OF CONSULAR SECTION IS THAT IN SEVERAL PAST CASES WHERE LETTERS ROGATORY WERE SUBMITTED TO GOM, THEY WERE NOT ANSWERED OR ACKNOWLEDGED. (WE NOTE THAT TEXT OF DEPARTMENT'S CIRCULAR NOTE TO CHIEFS OF MISSION IN WASHINGTON OF FEBRUARY 3, 1976 (TRANSMITTED IN A-1357 OF MARCH 9, 1976) STATES THAT US COURTS WOULD NOT BE ABLE TO SEQUESTER PROPERTY IN THE US ON THE BASIS OF A REQUEST FROM A FOREIGN COURT, AND THAT SUCH REQUESTS WOULD BE RETURNED TO THE SENDING GOVERNMENT.)

2. MEXICAN LAW MAKES IT A PENAL OFFENSE FOR A FINANCIAL DEPOSITORY INSTITUTION TO FURNISH INFORMATION ON DEPOSITS OR OTHER TRANSACTIONS OTHER THAN TO THE DEPOSITOR OR HIS LEGAL REPRESENTATIVE UNLESS SUCH INFORMATION IS UNCLASSIFIED

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REQUESTED BY JUDICIAL AUTHORITIES VIA A COURT ORDER. THE EMBASSY IS NOT, THEREFORE, WILLING TO ASK GOM OFFICIALS INFORMALLY EITHER TO FREEZE RODEIN'S ACCOUNTS OR TO PROVIDE BANK RECORDS. (RELEVANT MEXICAN LEGISLATION IS ARTICLE 105 OF GENERAL LAW OF CREDIT INSTITUTIONS AND AUXILIARY ORGANIZATIONS, AND ARTICLES 210 AND 211 OF MEXICAN PENAL CODE.)

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009